

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JUSTIN L. WARE,)	
)	
Petitioner,)	4:18CV3135
)	
v.)	
)	
NEIL A. MILLER, Buffalo County)	MEMORANDUM AND ORDER
Sheriff,)	
)	
Respondent.)	
_____)	

Pursuant to the Petitioner's response (filing no. [23](#)¹) to my Memorandum and Order (filing no. [22](#)), this matter is dismissed without prejudice so Petitioner can file a post-conviction action in state court.²

IT IS ORDERED that the petition for writ of habeas corpus (filing no. [1](#)) is dismissed without prejudice. A separate judgment will be issued.

DATED this 9th day of April, 2019.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge

¹ The response was not filed by the deadline I set. But, since it was only several days late, I have, in the exercise of my discretion, considered it anyway.

² I, again, remind the Petitioner that he must act promptly. See filing no. [22 at CM/ECF pp.2-3](#) and footnotes 2 & 3.